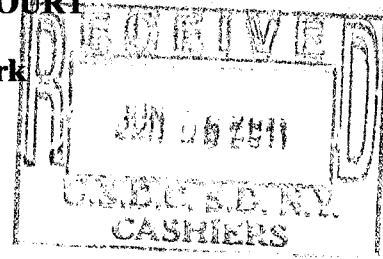


JUDGE KOELTL

UNITED STATES DISTRICT COURT

Southern District of New York



Case No.:

Leonardo Gianella  
857 Ninth Avenue, #2B  
New York, NY 10019  
917-279-2935,

Plaintiff,

-Against-

The Port Authority of NY & NJ  
225 Park Avenue South 17<sup>th</sup> Fl  
New York, NY 10003  
212-435-7348,  
Defendant

11 CV 3220

COMPLAINT

Jury Trial Yes ☐ No ☒

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. §552, to order the production of agency records, concerning a freedom of information request (Ex. 1) in which a certified copy of an executed lease signed in March 2009 by Feng Lun of Beijing Vantone Industrial Co. and the Port Authority was requested. Feng Lun signing a lease for space as a representative for Beijing Vantone Industrial Co., is evidenced by various press releases and news articles (Ex. 2). Beijing Vantone's tenancy is also confirmed by a NYC property transfer document (Ex. 3). This freedom of information request has remained ignored by the Port

Authority' FOI administrator and General Counsel and has been improperly withheld from plaintiff.

2. This court has jurisdiction over this action pursuant to 5 U.S. C §552(a)(4)(B).

3. Plaintiff, Leonardo Gianella is an advocate of government transparency, researcher in the real estate industry and is the requester of the records that the defendant is now withholding. A prompt release of the information is a newsworthy matter that is important to the immediate public interest, as this is the first tenant in the most culturally significant and controversial building project in American History. Of additional importance and urgency is that this request will aide in clarifying exactly how this tenant is taking advantage of a rent reduction program overseen by the Empire State Development Corporation (Ex. 4). This program, funded by U.S. tax dollars and amounting to 115 million dollars has strict submission guidelines and the requested documents will help clarify the eligibility of funds which will impacts current and future tenants who may wish to apply for the World Trade Center Rent Reduction Program.

4. Defendant is an agency of the United States and has possession of the documents that plaintiff seeks.

5. Email receipt of my request was confirmed received on March 16, 2011 (Ex. 5). Receipt of request was confirmed again in writing on March 22, 2009.

6. As of May 23,2011 Plaintiff has ignored my request despite numerous repeated written requests and inquiries (Ex. 6).

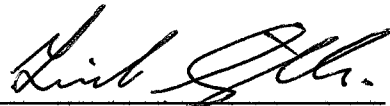
7. The Port Authority has not provided requested documents or submitted a written denial within twenty (20) business days as outlined by the Port Authorities adoption of the Freedom of Information law (Ex. 7), effectively ignoring the request despite numerous inquiries (Ex. 8) including directly to Port Authorities General Counsel.

8. Plaintiff has a right to access the requested information under 5. U.S.C. §552(a)(3) and there is no legal basis for defendants denial of such access to a certified copy of the executed lease signed in 2009.

WHEREFORE, plaintiff requests this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provide for in 28 U.S. C. 1657
- (3) Award plaintiff costs and reasonable fees in this action, as provided in 5 U.S. C § 552(a)(4)(E): and
- (4) Grant such other and further relief as may deem just and proper

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leonardo Gianella", written over a horizontal line.

Leonardo Gianella

857 Ninth Ave #2B

New York NY 10019

Dated: June 6, 2011

## **EXHIBITS**

1. Written acknowledgment by the Port Authority of my Freedom of Information request dated 3/22/11 with reference numbers 12210 and 12211.
2. Press releases:
  - a. News article from [www.news.cn](http://www.news.cn) showing Feng Lun signing a lease for 1 World Trade Center.
  - b. Press release from Port Authority of NY NJ Showing Feng Lun signing lease.
  - c. Press release from Port Authority of NY NJ announcing the signing of tenant Beijing Vantone Industrial Co. as first tenant in 1 World Trade Center.
  - d. Press release from the New York City Investment fund acknowledging Beijing Vantone Industrial as first tenant in 1 World Trade Center.
  - e. Press release from Jones Lang LaSalle, broker who represented Beijing Vantone acknowledging that Beijing Vantone Industrial Co. is the first tenant to lease space at 1 World Trade Center.
  - f. New York Times Article acknowledging that Beijing Vantone Industrial Company is the first tenant at 1 World Trade.
3. New York City Real Property Transfer Tax document.
4. World Trade Center Rent Reduction Guide lines for the Empire State Development Corporation.
5. Automated email acknowledgment of my Freedom of Information request dated 3/16/11.
6. Final email request for documents dated 5/23/11 sent to Port Authorities General Counsel and FOI administrators.
7. Port Authorities Freedom of Information Policy and Procedure Document that states a twenty day response time for requests and the option of having requested documents certified by the Secretary of the Port Authority.
8. Email correspondence attempting to have request fulfilled:
  - a. Email dated 4/21/2011 asking for status.
  - b. Email dated 4/27/2011 asking for status.
  - c. Email dated 4/29/11 asking for status.
  - d. Email from Port Authority dated 5/2/11 stating that request will be fulfilled by 5/11/11.
  - e. Email dated 5/9/2011 asking for status.
  - f. Email dated 5/11/11 from Port Authority stating it would take another week to respond to my request.
  - g. Email dated 5/19/11 asking for the status of my request, still not fulfilled.



March 22, 2011

Mr. Leonardo Gianella  
Leonardo Gianella LLC  
857 Ninth Avenue, 2B  
New York, NY 10019

Re: Freedom of Information Reference No. 12210  
Copies of 2008, 2009 and 2010 Lease Agreements for floors 65-69 of 1 WTC

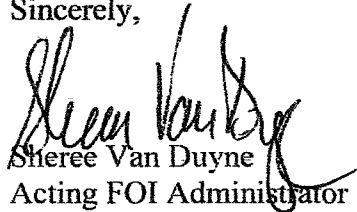
Dear Mr. Gianella:

We are in receipt of your March 19, 2011 request for access to records of The Port Authority of New York and New Jersey.

Your request is being processed under the Port Authority's policy on Freedom of Information (the "Policy," copy enclosed). You will be advised in writing of any records found to be responsive to your request and the availability of such records under the Policy.

Please refer to the above FOI Reference number in any future correspondence relating to your request.

Sincerely,



Sheree Van Duyne  
Acting FOI Administrator

Enclosure

March 22, 2011

Mr. Leonardo Gianella  
Leonardo Gianella LLC  
857 Ninth Avenue, 2B  
New York, NY 10019

Re: Freedom of Information Reference No. 12211  
Copies of 2008, 2009 and 2010 Lease Agreements for the 64<sup>th</sup> floor of 1 WTC

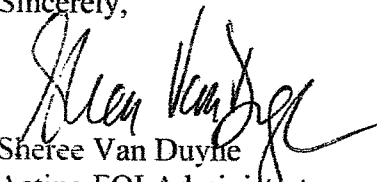
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Sincerely,



Sheree Van Duyne  
Acting FOI Administrator

Enclosure





www.news.cn



[http://news.xinhuanet.com/english/2009-03/27/content\\_11082698.htm#](http://news.xinhuanet.com/english/2009-03/27/content_11082698.htm#)

## China Center to be established in New York's famous building

[www.chinaview.cn](http://www.chinaview.cn) 2009-03-27 12:50:45

NEW YORK, March 26 (Xinhua) -- A Chinese company Thursday signed a lease with the U.S. authorities to establish a China Center in New York's famous One World Trade Center.

Vantone Industrial Co., Ltd and the Port Authority of New York and New Jersey inked the lease, making the company the first tenant of the building.



Christopher O. Ward (1st L), executive director of the Port Authority of New York and New Jersey, attends a signing ceremony with Feng Lun (C), the chairman of Beijing Vantone Industrial Co. Ltd, in New York, March 26, 2009. Vantone signed a lease on Thursday to become the first paying tenant for nearly five floors on the Freedom Tower, one of the buildings under construction at the site of the World Trade Center. A China Center will be opened here.(Xinhua/Wang Jiangang)

[Photo Gallery>>>](#)

The China Center would be a 190,810-square-foot (about 17,726 square meters) business and cultural facility, located on part of the 64th floor and the entire 65th through 69th floors of One World Trade Center.

Immediately after the signing, the China Center provided the Port Authority with a 10-million-U.S.-dollar letter of credit. The lease is for 20 years and nine months, effective upon completion of the building in 2013.

The New York City Investment Fund, which is the economic development arm of the Partnership for New York City, has committed up to 3 million dollars in funding to support the China Center.

The Investment Fund worked with Vantone to gain the support of the Chinese government for

one of the first authorized offshore real-estate investments.

Port Authority Chairman Anthony R. Coscia said, "signing up the China Center on competitive terms and in a struggling economy is a firm stamp of approval for the World Trade Center site as a world-class business destination."



Christopher O. Ward (L front), executive director of the Port Authority of New York and New Jersey, attends a signing ceremony with Feng Lun (R front), the chairman of Beijing Vantone Industrial Co. Ltd, in New York, March 26, 2009. Vantone signed a lease on Thursday to become the first paying tenant for nearly five floors on the Freedom Tower, one of the buildings under construction at the site of the World Trade Center. A China Center will be opened here.(Xinhua/Wang Jiangang)  
[Photo Gallery>>>](#)

Port Authority Executive Director Chris Ward echoed Coscia's views, saying "today's lease signing marks a new chapter in the progress of One World Trade Center. Not only can we see the tower coming to life nearly 10 stories above street level, but we have leases to match our construction progress."

"We are thrilled to have a finalized agreement with the Port Authority and are honored to be the first private company to sign on as a tenant in the most important U.S. development project," said Feng Lun, Vantone's chairman.

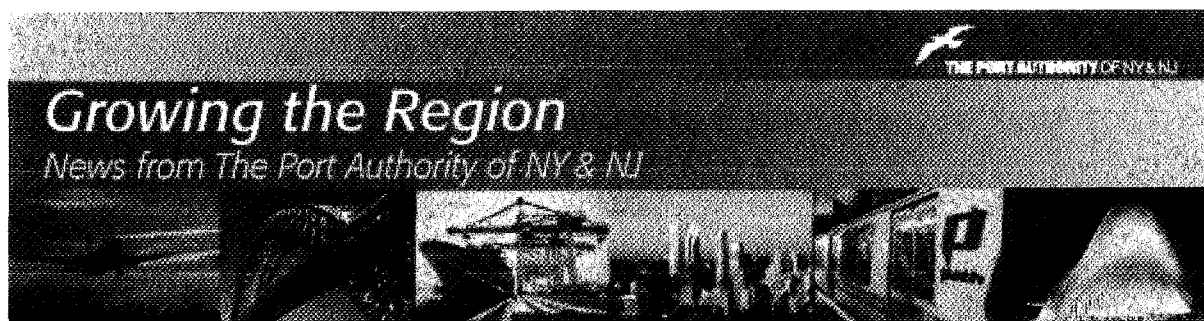
"At the same time, we will be able to serve the growing number of U.S. companies that want to break into the Chinese market," he added.

One World Trade Center would incorporate new architectural and environmental standards, setting a new level of social responsibility in urban design.

Upon completion, One World Trade Center will include 2.6 million square feet of office space on 70 office floors, a grand public lobby with a 50-foot ceiling, an observation deck 1,265 feet above ground, a skyline restaurant, a wide array of shopping opportunities and ample parking.

The Port Authority of New York and New Jersey also operates many of the busiest and most important transportation links in the region.

Editor: Zhang Xiang



Vol. 4, No. 3, March 31, 2009

## Briefs

### Ferry Terminal Opens

A new state-of-the-art ferry terminal opened March 18 at Battery Park City along the Hudson River in Manhattan. The new terminal replaced an existing ferry terminal at Battery Park City that first opened in 1990. The Port Authority will own the terminal, and BillyBey Ferry Company will operate and maintain it. [Read more.](#)

### Port of NY & NJ Stats

The effects of the economic downturn were felt in 2008 at the region's port terminals. After 15 years of steady growth in containerized cargo, the Port of New York and New Jersey recorded flat growth in the container market during 2008. [Click here for a full report.](#)

### Public Meetings

The next monthly Board of Commissioners meeting will be held Thursday, April 30. The next Commissioners World Trade Center meeting will be held Thursday, April 16. Visit [panynj.info](http://panynj.info) to view minutes and board actions from previous board meetings.

### Did You Know?

The PATH rail transit system handled 75 million passenger trips in 2008, up 4.7 percent from 2007. With more than 252,000 passenger trips per day, the PATH system is now

## One World Trade Center Gets First Tenant; The China Center Will Occupy Nearly 200K Square Feet

Representatives of The Port Authority of New York and New Jersey and Vantone Industrial Co., Ltd., signed a lease on March 26 that will create the China Center, a unique 190,810-square-foot business and cultural facility, to be located on the 64th through 69th floors of One World Trade Center when the building opens in late 2013.

As currently envisioned, the China Center at One World Trade Center will represent the elite of China's vibrant business and cultural communities and serve as a dynamic hub for Chinese firms developing United States operations, as well as for U.S. companies that wish to conduct business in China or expand ongoing operations. Visit [WTCProgress.com](http://WTCProgress.com) for details and renderings of the China Center.

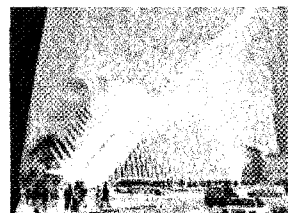


Port Authority Board Chairman Anthony Coscia (left) and Vantone Industrial Co. Chairman Lun Feng (right) shake hands after signing the first lease agreement for One World Trade Center. They were joined by Executive Director Chris Ward (center).

## Contract for Structural Steel at World Trade Center Transportation Hub Awarded by Port Authority Board

At its March 26 meeting, the Port Authority Board of Commissioners awarded a contract for more than 22,000 tons of steel for the World Trade Center Transportation Hub - the largest contract awarded to date for the major transportation facility.

The structural steel award is always one of the most significant milestones in any large construction project, but this award takes on even greater significance to the World Trade Center rebuilding effort as a



A rendering of the WTC Transportation Hub



operating at its pre-2001 passenger level.

whole because of how interconnected the Transportation Hub is to the entire site, particularly the 9/11 Memorial.

### **Doing Business with the Port Authority**

For PA Procurement Information and Opportunities, [click here](#).

## **Port Authority Sells \$100 Million in Bonds**

On March 10, the Port Authority successfully completed the sale of its Consolidated Bonds, 154th Series, in the aggregate principal amount of \$100 million. The 154th Series bonds were awarded on the basis of the lowest true interest cost of the bids received.

The Port Authority's ability to sell bonds competitively in the current economic climate demonstrates both greater activity in the credit markets for municipal bonds as well as the agency's continued financial health.

The proceeds of the 154th Series bonds will be allocated, as appropriate, to capital projects in connection with facilities of the Port Authority and may also be used for refunding obligations of the agency.

[panynj.info](http://panynj.info)



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## Press Release Article

### PORT AUTHORITY AND VANTONE INDUSTRIAL SIGN FIRST LEASE FOR ONE WORLD TRADE CENTER (THE FREEDOM TOWER)

Date: Mar 26, 2009

Press Release Number: 39-2009

**The China Center Will Occupy Nearly 200,000 Square Feet in New York's Tallest Skyscraper to Encourage and Facilitate Business Between Two Global Financial Centers**

Representatives of The Port Authority of New York and New Jersey and Vantone Industrial Co., Ltd., today signed a lease that will create the China Center, a unique 190,810-square-foot business and cultural facility, to be located on portions of the 64th floor and the entire 65th through 69th floors of One World Trade Center (the Freedom Tower).

Immediately following the lease signing, China Center provided the Port Authority with a \$10 million letter of credit.

The lease is for 20 years and nine months, commencing when the building is completed in late 2013. Rents will start at \$80 per square foot and escalate in subsequent years. China Center also will have the right to lease up to two additional contiguous floors under the same lease terms, an option that expires at the end of 2009.

The New York City Investment Fund, which is the economic development arm of the Partnership for New York City, has committed up to \$3 million in funding to support the China Center. The Investment Fund worked with Vantone Industrial to gain the support of the Chinese government for one of the first authorized offshore real-estate investments.

Further, China Center has submitted its application for the Empire State Development Corporation's World Trade Center Rent Reduction Program, under which it will be eligible for a \$5 per square foot rent credit on its leased space for 15 years.

The Port Authority also has commitments for more than a million square feet of leased office space in One World Trade Center from the U.S. General Services Administration and the New York State Office of General Services. Leases for these two public agencies are being finalized. These commitments, coupled with the China Center lease, represent nearly 50 percent of the total office space in the building.

As currently envisioned, the China Center at One World Trade Center will represent the elite of China's vibrant business and cultural communities and serve as a dynamic hub for Chinese firms developing United States operations, as well as for U.S. companies that wish to conduct business in China or expand ongoing operations.

Port Authority Chairman Anthony R. Coscia said, "Signing up the China Center on competitive terms and in a struggling economy is a firm stamp of approval for the World Trade Center site as a world-class business destination. We look forward to building on today's success and securing other quality tenants for One World Trade Center from around the globe."

Port Authority Executive Director Chris Ward said, "Today's lease signing marks a new chapter in the progress of One World Trade Center. Not only can we see the tower coming to life nearly 10 stories above street level, but we have leases to match our construction progress. I want to thank Vantone Industrial for sending a clear signal that the World Trade Center site will once again be a global capital of commerce. I also want to thank the Partnership for New York City and the Empire State Development Corporation for their commitment to this deal. There is much more work to be done, both on construction and on leasing, but this is a real step in the right direction."

"We are thrilled to have a finalized agreement with the Port Authority and are honored to be the first private company to sign on as a tenant in the United States' most important development project. New York remains the place to be, and the China Center will give Chinese companies the space and resources they need," said Mr. Feng. "At the same time, we will be able to serve the growing number of U.S. companies that want to break into the Chinese market."

Partnership for New York City President and CEO Kathryn S. Wyde said, "The announcement of the China Center is a step toward economic recovery for New York. The Vantone Group's commitment to helping New York become the western headquarters location for the increasing number of global businesses coming out of China is extremely important to our city's future as a global capital of business and finance."

Empire State Development Corporation President and CEO Marisa Lago said, "New York State is both the third-highest exporting state and the third-largest state recipient of foreign direct investment. Today's announcement evidences that New York State remains competitive in the global economy. Once open, the China Center will directly contribute to New York State's activity in the international market with China, one of our most important strategic economic partners. Along with Governor Paterson, we will work to ensure that we continue to attract businesses like the China Center to New York State."

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"While New York City's strength and resilience has been tested time and time again, we have always emerged stronger and more vibrant, and this first lease signing at One World Trade Center is a clear vote of confidence in the City's future," said New York City Deputy Mayor Robert Lieber. "The China Center will become an active forum for business and cultural exchange and will help to bring new jobs, new ideas and new companies to New York City. We've still got a long way to go, but this lease signing is a clear indication that our continued investments in Lower Manhattan are the right way to bring investment back to the City."

Tianjin Teda Group Co., Ltd., is the biggest shareholder of Vantone Industrial Co., Ltd. China Center obtained vigorous support from TEDA Investment Holding Co., Ltd., as well as the Tianjing municipal government.

Key components of the China Center will include an Executive Business Club offering membership opportunities and extensive benefits; a conference center providing flexible, high-tech exhibition and conference facilities for corporate meetings and events; and first-class office space offering a variety of flexible layouts and options designed to enhance business operations and networking opportunities for a variety of small to mid-sized Chinese businesses.

Companies that locate in the China Center will gain extensive opportunities for growth and increased international visibility. The services available to members of the China Center community will make the overseas expansion process as seamless as possible. Tenants also receive access to high-level support services, as well as valuable on-site expertise and familiar comforts that address all corporate and personal needs. These services will include: relocation assistance; real estate services; business and financial support; public relations and investor relations; legal services; networking opportunities; event management and special catering; and personalized travel services.

Designed by renowned architect David Childs, of Skidmore, Owings and Merrill, LLP, One World Trade Center incorporates new architectural and environmental standards, setting a new level of social responsibility in urban design.

Upon completion, One World Trade Center will include 2.6 million square gross square feet of office space on 70 office floors, a grand public lobby with a 50-foot ceiling, an observation deck 1,265 feet above ground, a skyline restaurant, a wide array of shopping opportunities and ample parking.

Vantone Industrial was represented by Jones Lang LaSalle's New York Region. The Port Authority was represented by Michael B. Francois, Chief, Real Estate & Development; Thomas P. Maher, Assistant Director, and Nicolas W. Houselog, Principal Property Representative, World Trade Center Redevelopment Department.

#### CONTACT:

The Port Authority of New York and New Jersey  
Candace McAdams or Steve Coleman, 212 435-7777

The Partnership for New York  
Bud Perrone (Rubenstein Associates), 212 843-8068

China Center New York  
Lina Deng Ruixue, dengruixue@vantone.net, +86 10 6804 6237

*The Port Authority of New York and New Jersey operates many of the busiest and most important transportation links in the region. They include John F. Kennedy International, Newark Liberty International, LaGuardia, Stewart International and Teterboro airports; AirTrain JFK and AirTrain Newark; the George Washington Bridge and Bus Station; the Lincoln and Holland tunnels; the three bridges between Staten Island and New Jersey; the PATH (Port Authority Trans-Hudson) rapid-transit system; Port Newark; the Elizabeth-Port Authority Marine Terminal; the Howland Hook Marine Terminal on Staten Island; the Brooklyn Piers/Red Hook Container Terminal; and the Port Authority Bus Terminal in midtown Manhattan. The agency also owns the 16-acre World Trade Center site in Lower Manhattan and is a partner in the Access to the Region's Core tunnel project.*

*Incorporated in 1993, Beijing Vantone Industrial Co., Ltd. is one of the first private corporations established in China. Today, the company is one of China's largest private real estate investment companies with 13 subsidiaries including one publically traded company – Beijing Vantone Real Estate Co. Vantone has developed a number of reputable, high-end commercial and residential properties in China, such as Legacy Homes, Beijing Central Park and the Vantone Center in Beijing. As an innovator and pioneer in the real estate industry, the company initiated and adopted the paradigmatic shift from a comprehensive real estate developer into a professional and strategic real estate investor.*

*The New York City Investment Fund (www.nycif.org) is the vision of Henry R. Kravis, founding partner of Kohlberg, Kravis, Roberts & Co., who serves as its Founding Chairman. The Investment Fund has raised over \$100 million to mobilize the city's world financial and business leaders to help build a stronger and more diversified local economy. It has built a network of top experts from the investment and corporate communities who help identify and support New York City's most promising entrepreneurs in both the for-profit and not-for-profit sectors. The Fund is governed by a Board of Directors co-chaired by Russell L. Carson, General Partner of Welsh, Carson, Anderson & Stowe; and Richard M. Cashin, Managing Partner of One Equity Partners. The Investment Fund is the investment and the economic development arm of the Partnership for New York City (www.pfnyc.org), the city's leading business organization.*

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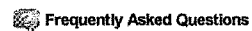
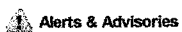


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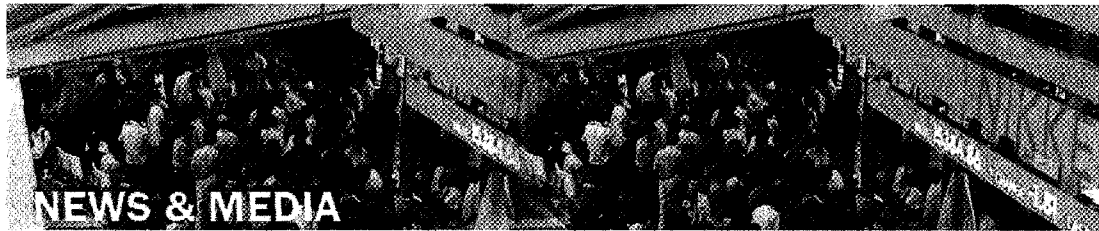
The Port Authority of New York and New Jersey

(212) 435-7000 • 225 Park Avenue South, New York, NY 10003

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PRESS RELEASE  
PARTNERSHIP FOR NEW YORK CITY

New York, New York  
March 26, 2009

**Port Authority and Vantone Industrial Sign First Lease For One World Trade Center (The Freedom Tower)**

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**MEDIA CONTACT**

Andrew Sullivan  
Director, Communications  
Telephone: (212) 493-7488  
Email: [asullivan@pnyc.org](mailto:asullivan@pnyc.org)

**The Port Authority of New York and New Jersey**  
Candace McAdams or  
Steve Coleman  
(212) 435-7777

**China Center New York**  
Lina Deng Ruixue  
[dengruixue@vantone.net](mailto:dengruixue@vantone.net)  
+86 10 6804 6237

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Empire State Development Corporation President and CEO Marisa Lago said, "New York State is both the third-highest exporting state and the third-largest state recipient of foreign direct investment. Today's announcement evidences that New York State remains competitive in the global economy. Once open, the China Center will directly contribute to New York State's activity in the international market with China, one of our most important strategic economic partners. Along with Governor Paterson, we will work to ensure that we continue to attract businesses like the China Center to New York State."

"While New York City's strength and resilience has been tested time and time again, we have always emerged stronger and more vibrant, and this first lease signing at One World Trade Center is a clear vote of confidence in the City's future," said New York City Deputy Mayor Robert Lieber. "The China Center will become an active forum for business and cultural exchange and will help to bring new jobs, new ideas and new companies to New York City. We've still got a long way to go, but this lease signing is a clear indication that our continued investments in Lower Manhattan are the right way to bring investment back to the City."

Tianjin Teda Group Co., Ltd., is the biggest shareholder of Vantone Industrial Co., Ltd. China Center obtained vigorous support from TEDA Investment Holding Co., Ltd., as well as the Tianjing municipal government.

Key components of the China Center will include an Executive Business Club offering membership opportunities and extensive benefits; a conference center providing flexible, high-tech exhibition and conference facilities for corporate meetings and events; and first-class office space offering a variety of flexible layouts and options designed to enhance business operations and networking opportunities for a variety of small to mid-sized Chinese businesses.

Companies that locate in the China Center will gain extensive opportunities for growth and increased international visibility. The services available to members of the China Center community will make the overseas expansion process as seamless as possible. Tenants also receive access to high-level support services, as well as valuable on-site expertise and familiar comforts that address all corporate and personal needs. These services will include: relocation assistance; real estate services; business and financial support; public relations and investor relations; legal services; networking opportunities; event management and special catering; and personalized travel services.

Designed by renowned architect David Childs, of Skidmore, Owings and Merrill, LLP, One World Trade Center incorporates new architectural and environmental standards, setting a new level of social responsibility in urban design.

Upon completion, One World Trade Center will include 2.6 million square gross square feet of office space on 70 office floors, a grand public lobby with a 50-foot ceiling, an observation deck 1,265 feet above ground, a skyline restaurant, a wide array of shopping opportunities and ample parking.

Vantone Industrial was represented by Jones Lang LaSalle's New York Region. The Port Authority was represented by Michael B. Francois, Chief, Real Estate & Development; Thomas P. Maher, Assistant Director, and Nicolas W. Houselog, Principal Property Representative, World Trade Center Redevelopment Department.

end

*The Port Authority of New York and New Jersey operates many of the busiest and most important transportation links in the region. They include John F. Kennedy International, Newark Liberty International, LaGuardia, Stewart International and Teterboro airports; AirTrain JFK and AirTrain Newark; the George Washington Bridge and Bus Station; the Lincoln and Holland tunnels; the three bridges between Staten Island and New Jersey; the PATH (Port Authority Trans-Hudson) rapid-transit system; Port Newark; the Elizabeth-Port Authority Marine Terminal; the Howland Hook Marine Terminal on Staten Island; the Brooklyn Piers/Red Hook Container Terminal; and the Port Authority Bus Terminal in midtown Manhattan. The agency also owns the 16-acre World Trade Center site in Lower Manhattan and is a partner in the Access to the Region's Core tunnel project.*

Incorporated in 1993, Beijing Vantone Industrial Co., Ltd. is one of the first private corporations established in China. Today, the company is one of China's largest private real estate investment companies with 13 subsidiaries including one publically traded company – Beijing Vantone Real Estate Co. Vantone has developed a number of reputable, high-end commercial and residential properties in China, such as Legacy Homes, Beijing Central Park and the Vantone Center in Beijing. As an innovator and pioneer in the real estate industry, the company initiated

and adopted the paradigmatic shift from a comprehensive real estate developer into a professional and strategic real estate investor.

*The New York City Investment Fund ([www.nycif.org](http://www.nycif.org)) is the vision of Henry R. Kravis, founding partner of Kohlberg, Kravis, Roberts & Co., who serves as its Founding Chairman. The Investment Fund has raised over \$100 million to mobilize the city's world financial and business leaders to help build a stronger and more diversified local economy. It has built a network of top experts from the investment and corporate communities who help identify and support New York City's most promising entrepreneurs in both the for-profit and not-for-profit sectors. The Fund is governed by a Board of Directors co-chaired by Russell L. Carson, General Partner of Welsh, Carson, Anderson & Stowe; and Richard M. Cashin, Managing Partner of One Equity Partners. The Investment Fund is the investment and the economic development arm of the Partnership for New York City ([www.pfnyc.org](http://www.pfnyc.org)), the city's leading business organization.*

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The Partnership for New York City is a network of business leaders dedicated to enhancing the economy of the five boroughs of New York City and maintaining the city's position as the center of world commerce, finance and innovation. Partnership companies account for nearly 7 million American jobs and contribute over \$740 billion to the national GDP.

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### Jones Lang LaSalle Completes 190,810 SF Lease for Vantone Industrial at One World Trade Center

Chinese Real Estate Firm to Lease 65th Floor to 69th Floor, Portion of 64th Floor for 20 Years

**NEW YORK, May 1, 2009** — Jones Lang LaSalle has completed a lease for Vantone Industrial Co. Ltd. at One World Trade Center, now under construction in Lower Manhattan. The Chinese real estate development firm will take 190,810 square feet for 20 years at the 2.6 million-square-foot Class A office tower.

The tenant was represented by Peter Riguardi, president of Jones Lang LaSalle's New York office, along with John Ryan, managing director, and Paul Mas, executive vice president. The building owner, the Port Authority of New York and New Jersey, was represented in-house.

"Vantone Industrial is the first private company to lease space at One World Trade Center," said Riguardi. "The China Center will serve as an important cultural facility representing China's dynamic business community, and One World Trade Center's iconic status and global recognition made it an ideal location for the venture."

Vantone Industrial plans to open the China Center within its space at One World Trade Center. The facility, which will occupy five floors at the building, includes a private club, event space, a cultural center and incubator office space for Chinese corporations.

"We are honored to be the first tenant to sign a lease at the World Trade Center," said Xue Ya, executive director of the China Center. "The China Center will provide Chinese companies with office space and the resources they need to be successful here in the United States. We will also be able to better serve the many U.S. companies seeking to do business in China."

"It was Vantone's desire from the very start to have the China Center be a part of the redevelopment of the World Trade Center," said Mas. "Working together, Jones Lang LaSalle was able to assist Vantone realize its goal at a world-class location."

"The China Center will fuel an influx of Chinese companies into Manhattan and, from there, the rest of the country," said Ryan. "The facility has always been intended to serve as a major gateway for new business opportunities."

The China Center will serve as a hub for Chinese firms developing operations in the United States and for U.S. companies that wish to conduct business in China or expand ongoing operations there. Vantone Industrial has the right to lease up to two additional contiguous floors under the same lease terms, an option that expires at the end of 2009.

The 102-story One World Trade Center office tower is under construction and scheduled for completion in 2013. The Port Authority is finalizing leases at the building with the U.S. General Services Administration and the state of New York's Office of General Services that will total more than 1 million square feet of office space.

The New York City Investment Fund, which is the economic development arm of the Partnership for New York City, has committed up to \$3 million in funding to support the China Center. The fund worked with Vantone Industrial to gain the support of the Chinese government for one of its first authorized offshore real-estate investments.

China Center has also submitted an application to be considered for the Empire State Development Corp.'s World Trade Center Rent Reduction Program, under which it may be eligible for a \$5-per-square-foot rent credit on its leased space for 15 years.

#### About Jones Lang LaSalle

Jones Lang LaSalle (NYSE:JLL) is a financial and professional services firm specializing in real estate. The firm offers integrated services delivered by expert teams worldwide to clients seeking increased value by owning, occupying or investing in real estate. With 2008 global revenue of \$2.7 billion, Jones Lang LaSalle serves clients in 60 countries from 750 locations worldwide, including 180 corporate offices. The firm is an industry leader in property and corporate facility management services, with a portfolio of approximately 1.4 billion square feet worldwide. In the New York area, Jones Lang LaSalle provides leasing and management services for nearly 45 million square feet of commercial real estate. For further information, please visit our Web site, [www.joneslanglasalle.com](http://www.joneslanglasalle.com).

200 East Randolph Drive Chicago Illinois 60601 | 22 Hanover Square London W1A 2BN | 9 Raffles Place #39-00 Republic Plaza Singapore 048619

#### Contacts:

George Shea, Mark Faris  
+1 212 627 5786  
[mfans@sheacomcommunications.com](mailto:mfans@sheacomcommunications.com)

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March 26, 2009

# Commercial Tenant Set for Rebuilt Trade Center

By CHARLES V. BAGLI

It took three years of stop-and-start negotiations, but a Chinese real estate company is finally signing a lease for space in a 102-story skyscraper under construction at ground zero, becoming the first commercial tenant for the rebuilt World Trade Center.

The Beijing Vantone Industrial Company has agreed to a 23-year lease for floors 64 through 69 in what will be known as 1 World Trade Center, at the southeast corner of West and Vesey Streets. The \$3.1 billion office building, once called the Freedom Tower, is scheduled to be completed in 2013.

Vantone plans to build a cultural and business center for Chinese companies doing business in the United States and American companies working in China.

"The fact that the Chinese government would approve this major investment in what amounts to a speculative venture is significant," said Kathryn S. Wylde, president of the Partnership for New York City, a business and policy group that has long supported the Vantone project. "It could create the anchor for a number of other international tenancies from China and elsewhere. Maybe we'll see the World Trade Center finally become a world trade center."

Anthony R. Coscia, the chairman of the Port Authority of New York and New Jersey, said the Vantone lease was "a firm stamp of approval for the World Trade Center site as a world-class business destination."

"We look forward," he said, "to building on this success and securing other quality tenants for 1 World Trade Center from around the globe."

Three years ago, Vantone had a tentative deal for the top floors of 7 World Trade Center, the recently built tower on Vesey Street. But it fell apart after Vantone was a few days late in posting a \$45 million letter of credit. The Chinese company later flirted with a move to 195 Broadway, before announcing a nonbinding agreement with the Port Authority last June.

The deal makes Vantone the first company to sign a lease for space at the trade center site. The federal government is expected to sign a lease this year for 419,000 square feet in 1 World Trade Center. The state, the city and the Port Authority have also pledged to lease space in the four office towers planned for the site.

But given the economy, the prospects remain grim for signing other private tenants for the more than nine million square feet of office space planned for the 16-acre site, brokers say.

The Port Authority, which owns the site and the 2.6 million-square-foot skyscraper, is expected to approve and sign the Vantone deal formally at a tea ceremony on Thursday. The company's annual rent starts at \$80 per square foot, for about 190,000 square feet.

Christopher O. Ward, the executive director of the Port Authority, said: “Not only can we see the tower coming to life nearly 10 stories above street level, but we have leases to match our construction progress. There is much more work to be done both on construction and on leasing, but this is a real step in the right direction.”

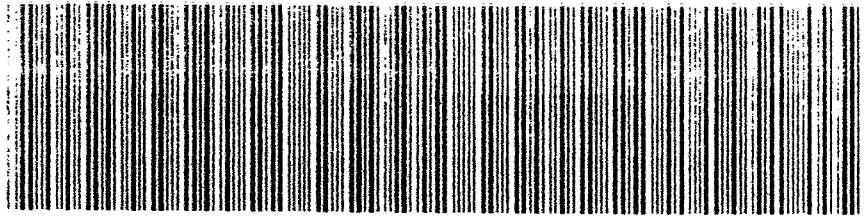
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**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

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**PAGE 1 OF 1**
**Document ID: 2010080300183001**
**Document Date: 07-21-2010**
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**Document Page Count: 0**
**PRESENTER:**

LANDSTAR TITLE AGENCY  
170 OLD COUNTRY ROAD, SUITE 506  
PICK UP DANIEL  
MINEOLA, NY 11501-4322  
516-336-2020  
wchung@landstartitle.net LT27486

**RETURN TO:**

CHINA CENTER NEW YORK  
7 WORLD TRADE CENTER 33TH FLR  
NEW YORK, NY 10007

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
MANHATTAN	58	1	Partial Lot	1 WORLD TRADE CENTER
<b>Property Type: OFFICE BUILDING</b>				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or Document ID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**
**GRANTOR/SELLER:**

CHINA CENTER NEW YORK LLC  
ONE BATTERY PARK PLAZA, 5F  
NEW YORK, NY 10004

**GRANTEE/BUYER:**

VANTONE US LLC  
ONE BATTERY PARK PLAZA, 5F  
NEW YORK, NY 10004

**FEES AND TAXES**

<b>Mortgage</b>			<b>Filing Fee:</b>	
Mortgage Amount:	\$	0.00		\$ 100.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:	
Exemption:				\$ 0.00
<b>TAXES:</b> County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$	0.00		\$ 0.00
Spec (Additional):	\$	0.00		
TASF:	\$	0.00		
MTA:	\$	0.00		
NYCTA:	\$	0.00		
Additional MRT:	\$	0.00		
<b>TOTAL:</b>	\$	0.00		
Recording Fee:	\$	0.00		
Affidavit Fee:	\$	0.00		



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**City Register Official Signature**





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NEW YORK CITY DEPARTMENT OF FINANCE  
**REAL PROPERTY TRANSFER TAX RETURN**  
(Registration Form for the NYC Administrative Code)

**GRANTOR**

● Name **CHINA CENTER NEW YORK LLC**

● Grantor is a(n): ☐ individual ☐ partnership (must complete Schedule 3) ☐ corporation ☒ other Telephone Number \_\_\_\_\_

● Permanent mailing address after transfer (number and street) **ONE BATTERY PARK PLAZA, 5F**

● City and State **NEW YORK, NY** Zip Code **10004**

● EMPLOYER IDENTIFICATION NUMBER **14-1963096** OR ● SOCIAL SECURITY NUMBER \_\_\_\_\_

**GRANTEE**

● Name **VANTONE US LLC**

● Grantee is a(n): ☐ individual ☐ partnership (must complete Schedule 3) ☐ corporation ☒ other Telephone Number \_\_\_\_\_

● Permanent mailing address after transfer (number and street) **ONE BATTERY PARK PLAZA 5F**

● City and State **NEW YORK, NY** Zip Code **10004**

● EMPLOYER IDENTIFICATION NUMBER **27-1503146** OR ● SOCIAL SECURITY NUMBER \_\_\_\_\_

**PROPERTY LOCATION**

LIST EACH LOT SEPARATELY. ATTACH A RIDER IF ADDITIONAL SPACE IS REQUIRED

Address (number and street)	Apt. No.	Borough	Block	Lot	# of Floors	Square Feet	Assessed Value of Property
1 WORLD TRADE CENTER		MANHATTAN	58	1	0	2,600,000	292,500,000.00

● DATE OF TRANSFER TO GRANTEE: **7/21/2010** ● PERCENTAGE OF INTEREST TRANSFERRED: **100** %

**CONDITION OF TRANSFER** See Instructions

● Check (✓) all of the conditions that apply and fill out the appropriate schedules on pages 5-11 of this return. Additionally, Schedules 1 and 2 must be completed for all transfers.

- |                                                                                                                                            |                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Arms length transfer                                                                                           | m. <input type="checkbox"/> Transfer to a governmental body                                                                                   |
| b. <input type="checkbox"/> Transfer in exercise of option to purchase                                                                     | n. <input type="checkbox"/> Correction deed                                                                                                   |
| c. <input type="checkbox"/> Transfer from cooperative sponsor to cooperative corporation                                                   | o. <input type="checkbox"/> Transfer by or to a tax exempt organization (complete Schedule G, page 8)                                         |
| d. <input type="checkbox"/> Transfer by referee or receiver (complete Schedule A, page 5)                                                  | p. <input type="checkbox"/> Transfer of property partly within and partly without NYC                                                         |
| e. <input type="checkbox"/> Transfer pursuant to marital settlement agreement or divorce decree                                            | q. <input type="checkbox"/> Transfer of successful bid pursuant to foreclosure                                                                |
| f. <input type="checkbox"/> Deed in lieu of foreclosure (complete Schedule C, page 6)                                                      | r. <input type="checkbox"/> Transfer by borrower solely as security for a debt or a transfer by lender solely to return such security         |
| g. <input type="checkbox"/> Transfer pursuant to liquidation of an entity (complete Schedule D, page 6)                                    | s. <input type="checkbox"/> Transfer wholly or partly exempt as a mere change of identity or form of ownership (Complete Schedule M, page 9)  |
| h. <input type="checkbox"/> Transfer from principal to agent, dummy, strawman or conduit or vice-versa (complete Schedule E, page 7)       | t. <input type="checkbox"/> Transfer to a REIT or to a corporation or partnership controlled by a REIT (Complete Schedule R, pages 10 and 11) |
| i. <input type="checkbox"/> Transfer pursuant to trust agreement or will (attach a copy of trust agreement or will)                        | u. <input type="checkbox"/> Other transfer in connection with financing (describe): _____                                                     |
| j. <input type="checkbox"/> Gift transfer not subject to indebtedness                                                                      | v. <input checked="" type="checkbox"/> Other (describe): <b>100% SHARE TRANSFER FOR 64 69/F LEASE</b>                                         |
| k. <input type="checkbox"/> Gift transfer subject to indebtedness                                                                          |                                                                                                                                               |
| l. <input type="checkbox"/> Transfer to a business entity in exchange for an interest in the business entity (complete Schedule F, page 7) |                                                                                                                                               |



Form NYC-RPT

Page 4

**GRANTOR'S ATTORNEY ▼**



Name of Attorney		Telephone Number ( )	
Address (number and street)		City and State	Zip Code
EMPLOYER IDENTIFICATION NUMBER	-	OR	SOCIAL SECURITY NUMBER

**GRANTEE'S ATTORNEY ▼**

Name of Attorney		Telephone Number ( )	
Address (number and street)		City and State	Zip Code
EMPLOYER IDENTIFICATION NUMBER	-	OR	SOCIAL SECURITY NUMBER

**CERTIFICATION ▼**

I swear or affirm that this return, including any accompanying schedules, affidavits and attachments, has been examined by me and is, to the best of my knowledge, a true and complete return made in good faith, pursuant to Title 11, Chapter 21 of the Administrative Code and the regulations issued thereunder.

GRANTOR		GRANTEE	
Sworn to and subscribed to	SSN [REDACTED]	Sworn to and subscribed to	SSN [REDACTED]
before me on this <u>26th</u> day	EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER	before me on this <u>26th</u> day	EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER
of <u>July</u> <u>2010</u>	<u>Xue, Ya</u>	of <u>July</u> <u>2010</u>	<u>Xue, Ya</u>
	Name of Grantor		Name of Grantee
<u>Josephine Cullen</u>	<u>[Signature]</u>	<u>Josephine Cullen</u>	<u>[Signature]</u>
Signature of Notary	Signature of Grantor	Signature of Notary	Signature of Grantee
 <b>JOSEPHINE CULLEN</b> Notary Public, State of New York No. 01CU6031830 Qualified in Kings County Commission Expires Oct. 12, 2013 <b>SEAL</b>		 <b>JOSEPHINE CULLEN</b> Notary Public, State of New York No. 01CU6031830 Qualified in Kings County Commission Expires Oct. 12, 2013 <b>SEAL</b>	

GRANTEE: To ensure that your property and water/sewer tax bills are sent to the proper address you must complete the Registration forms included in this packet. Owner's Registration Cards can also be obtained by calling the Department of Finance at (718) 935-9500



**Guidelines for the  
World Trade Center Rent Reduction Program  
(adopted January 18, 2006; amended as of November 15, 2007 and December 18, 2008 )**

**Program**

The World Trade Center Rent Reduction Program (the "Program") is a program established by the New York State Urban Development Corporation d/b/a the Empire State Development Corporation ("ESDC") consistent with Chapter 2 of the Laws of 2005. The purpose of the Program is to create an incentive for the leasing of commercial office space at 1 WTC (a/k/a the Freedom Tower), 2 World Trade Center ("2 WTC"), 3 World Trade Center ("3 WTC"), 4 World Trade Center ("4 WTC"), 5 World Trade Center ("5 WTC") (the Freedom Tower, 2 WTC, 3 WTC, 4 WTC and 5 WTC are collectively referred to as the "WTC" and will be located on the WTC site, defined below) and 7 World Trade Center ("7 WTC").

The WTC site (with the current exception of the 5 WTC site) and 7 WTC are owned by the Port Authority of New York and New Jersey ("Port Authority"). It is expected that the Port Authority will acquire the 5 WTC site from the Lower Manhattan Development Corporation. Each of the WTC buildings and 7 WTC is or shall be subject to a ground lease or other similar instrument (each a "Ground Lease") with a sub-lessor (a "Sub-Lessor"). Each Sub-Lessor intends to enter into one or more leases with sub-tenants (the "Lessees") for occupancy of the WTC and 7 WTC. The specific aim of the Program is to reduce the effective rent paid by qualified Lessees of commercial office space at the WTC site and 7 WTC site to encourage Lessees to make an early commitment to lease space at the WTC or 7 WTC.

**Program Location**

The WTC site in Lower Manhattan consists of (i) the site bounded by West, Vesey, Church and Liberty Streets and (ii) the adjacent "Southern Site" which consists of two city blocks, one bounded by Liberty, Washington, Albany and Greenwich Streets and the other bounded by Liberty, West, Cedar and Washington Streets.

7 World Trade Center is the building located at 250 Greenwich Street in Lower Manhattan.

**Program Funding**

The maximum amount of funding available for the Program is \$115 million dollars, to be allocated as set forth below. Funding for the Program is being made available from certain payments that the Port Authority has agreed to make to the State of New York and that the State of New York, in turn, has assigned to ESDC. The portion of the \$115 million to be paid to the Port Authority to implement the Program is referred to hereinafter as the "ESDC Payment".

York or any subdivision thereof, or any agency, department, public benefit corporation or public authority thereof, including without limitation, ESDC and the Port Authority.

### **Program Assistance**

Subject to the Program funding limitations set forth above, Program assistance, on an annual basis, shall equal \$3.80 per square rented under a Qualifying Lease for 7 WTC and \$5 per square foot rented under a Qualifying Lease at the WTC. Program assistance shall be provided for the term of the Qualifying Lease, not to exceed 20 years, or such shorter period of time if the total amount of Program funding set forth above has been expended. Program assistance shall not be made available with regard to option periods under a Qualifying Lease, unless requested by the Sub-Lessor and agreed to by ESDC at the time of application.

For each Qualifying Lease, Program funds, computed as set forth above, shall be paid or reassigned to the Port Authority on a monthly or quarterly basis, subject to the Port Authority agreeing to provide the same benefit to the Sub-Lessor pursuant to its Ground Lease, or other agreement with the Sub-Lessor, and the Sub-Lessor agreeing to provide the same benefit to the applicable Lessee.

### **Applications & Additional Certifications**

The Sub-Lessor and Lessee must co-apply for assistance under the Program. The application will be in form provided by ESDC. Each application must include a copy of the executed lease that is conditioned only upon such terms and conditions deemed acceptable by ESDC (or a term sheet or unexecuted lease that is conditioned only upon such terms and conditions deemed acceptable by ESDC, in which case the Sub-Lessor shall provide ESDC with a copy of the executed lease immediately after its execution) and such other documentation that ESDC may require. On an annual basis after an application is deemed eligible, the Sub-lessor will be required to certify to ESDC the status of each lease (i.e. that the lease is in full force and effect). Applicants will also be required to make annual certifications to ESDC with respect to continued Program eligibility, in form provided by ESDC. In the event the Ground Lease or Qualifying Lease is assigned, the new Sub-Lessor or Lessee must affirm the existing application and agree to make the on-going certification to continue to receive the benefits hereunder. In the event that the term sheet or unexecuted lease does not result in a Qualifying Lease within one year of approval of a Program application (unless such period is extended by ESDC, acting in its sole discretion), or if a Qualifying Lease expires or is terminated, or if such lease no longer constitutes a Qualifying Lease, or if Sub-Lessor or Lessee fail to submit a required certification, then Program assistance for such applicant shall cease without a reallocation of Program assistance unless ESDC, in its sole discretion, determines to reallocate such funds.

### **Application Submissions**

Applications for Program assistance must be submitted not later than three months after execution of a Qualifying Lease and will be accepted by ESDC until, as applicable, 750,000

square feet of commercial office space has been leased (or has been committed to pursuant to an accepted term sheet) at each of the WTC or 7 WTC. Within thirty days of receipt of a complete application, ESDC shall notify the co-applicants as to the status of their application. Program assistance shall be retroactive to the commencement date of the Qualifying Lease. Notwithstanding anything to the contrary hereinabove, applications will not be accepted after December 31, 2016.

Applications must be submitted to:

Empire State Development Corporation  
World Trade Center Rent Reduction Program  
633 Third Avenue  
New York, New York 10017

As of the date of these Amended Guidelines, applications have been received and approved for the entire 750,000 square feet of space at 7 WTC.

### **Appeal Process**

If an applicant has submitted an application for assistance under the Program and believes that its application was unfairly denied, in whole or in part, it may appeal such decision within twenty business days of receipt of written notification that its application has been denied. Such appeal must be made in writing to ESDC, at the address set forth above, and include such information as the applicant would like to be considered. A three member ESDC appeal committee, consisting of the Senior Vice President – Loans and Grants, General Counsel and Chief Financial Officer, or their designees, will consider all appeals. All decisions by the appeal committee shall be final. The appeal committee will be the sole arbiter in interpreting the intent and implementation of the Program and these Guidelines.

To the extent an application meets the technical requirements of the Program, as set forth in these Guidelines, but is inconsistent with the goals and the spirit of the Program, the appeal committee shall have the discretion to reject such application.

### **Maintenance of Records & Audit and Control**

Each applicant is obligated to maintain books and records that relate to the Program assistance for a period extending three years beyond the last benefit received under the Program (the “Audit Period”). At the request of ESDC, each of the co-applicants shall provide at any time during the Audit Period, additional information that ESDC may reasonably request. ESDC, or its designees may audit applicants on a random or targeted basis for the Audit Period.

### **Non-Discrimination**

Applicants must agree not to discriminate based on race, creed, color, national origin, sex, age or with respect to any otherwise qualified handicapped person, to be eligible for assistance under the Program.

### **Amendments to Guideline**

ESDC may amend these Guidelines from time to time and impose additional or alternative requirements with respect to prospective applications.

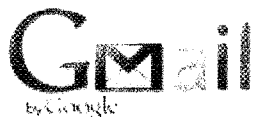
### **Additional Information**

The application form and instructions, these Guidelines, any amendments to these Guidelines and additional information about the Program can be obtained by contacting Empire State Development Corporation at the address set forth above.

### **Effective Date**

These Guidelines shall be effective immediately. Any application for Program assistance submitted to, and accepted by, ESDC prior to the date of these amended Guidelines shall be governed by the Guidelines in effect at such time.





Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

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## Freedom of Information Online Request Form

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**svanduyne@panynj.gov <[svanduyne@panynj.gov](mailto:svanduyne@panynj.gov)>**

**Wed, Mar 16, 2011 at 2:36 PM**

To: [leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)

Thank you for your submission to the Port Authority of New York and New Jersey.

---







Leonardo Gianella &lt;leonardogianella@gmail.com&gt;

**Ref#1210, 12211 TO GENERAL COUNSEL**

1 message

**Leonardo Gianella <leonardogianella@gmail.com>****Mon, May 23, 2011 at 5:04 PM**

To: dbuchbin@panynj.gov, svanduyne@panynj.gov, dduffy@panynj.gov

Bcc: "Gianella, LA" &lt;adriana.gianella@gmail.com&gt;

-GENERAL COUNSEL

RE: FOI Request, REF# 12210, 12211

I have requested a copy of the executed lease signed by Feng Lun of Beijing Vantone Industrial Company and the Port Authority regarding floors 64-69 in 1WTC. According to several of the Port Authorities press releases this lease was signed on March of 2009 by a Feng Lun of Beijing Vantone Industrial and a representative of the Port Authority. I also requested that this copy be certified by the Secretary of the Port Authority.

As you can see my original request regarding Ref# 12210, 12211 was acknowledged by the FOI Administrator on March 22, 2011. According to the policies that were adopted by the Port Authority in regards to its adherence of the Freedom of Information Laws of New York I should have received one of three responses within thirty days of my requests acknowledgment.

1. Request fulfilled
2. Partial request fulfilled with a written explanation citing specific legal exemptions for redacted part.
3. Total refusal of request with a written explanation citing specific legal exemptions.

It has been over a month since the FOI Administrators Sheree Van Duyne and Daniel Duffy have acknowledged that the lease has been in their office for review. I have included the most recent written delay in the attached email(May 2). I was also told today over the phone by Sheree Van Duyne that my request is still being "processed". I have taken into consideration the reasons given to me so far concerning an overworked office. I have waited for what I think is a reasonable amount of time. However, at this point it is now a month past the date I was supposed to have my request fulfilled. At this point I bring this matter directly to your office. I await a response regarding the status of my request.

For the sake of clarity my request is for a certified copy (by the Secretary of the Port Authority) of the *executed* lease signed on Mach 2009 by Feng Lun of Beijing Vantone Industrial Co. and the Port Authority.

Sincerely,

Leonardo Gianella  
1(917)279-2935  
857 Ninth Ave #2B  
New York NY 10019

**4 attachments**

 **FOI Request1.pdf**  
269K

 **FOI Request.pdf**  
263K

 **email.pdf**  
199K

 **Press Release.pdf**  
1049K

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(Board – 11/20/08)

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**FREEDOM OF INFORMATION – POLICY AND PROCEDURE**

The Port Authority of New York and New Jersey recently has undertaken a number of actions to promote greater transparency and accountability in its dealings and communications with the public, recognizing that an informed citizenry enriches the function of government. Over the last two years, the Board has acted to increase openness and transparency by implementing a number of governance reforms, including revising the agency's Open Meetings Policy (in December 2006) and by amending and restating the By-Laws (in July 2007). At the request of the Commissioners, staff has continued to review agency practices and procedures.

The amended and restated By-Laws, as most recently amended in May 2008, provide that the Port Authority shall follow a Freedom of Information Policy that is consistent with the freedom of information laws of the States of New York and New Jersey. To that end, staff has undertaken and recently completed a review of the Port Authority's Policy and Procedure relating to Freedom of Information, first adopted by the Committee on Operations in 1977 and last amended in 1992, with particular emphasis on procedures and exemptions from disclosure. Staff recommended a number of procedural changes, which are designed to provide open, timely and uninhibited access to the Port Authority's (and its subsidiary corporations') public records and to reflect the New York Freedom of Information Law and New Jersey's Open Public Records Act.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Bauer, Blakeman, Chasanoff, Coscia, Hochberg, Holmes, Mack, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

**RESOLVED**, that, as the governing body of The Port Authority of New York and New Jersey, the Commissioners express our continuing commitment to transparency in the conduct of the public's business, so that the Port Authority and its employees may hold the respect and confidence of the people of the States of New York and New Jersey; and it is further

**RESOLVED**, that the activities and decisions of the Port Authority (and its subsidiary corporations) are the public's business, and, therefore, the public should have access to the records of the Port Authority (and its subsidiary corporations); and it is further

**RESOLVED**, that the resolution of the Committee on Operations adopted on August 13, 1992, relating to Freedom of Information (appearing at pages 19, *et seq.* of the Committee minutes of that date), shall be, and it hereby is, rescinded; and it is further

(Board – 11/20/08)

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**RESOLVED**, that all records of the Port Authority (and its subsidiary corporations), including records stored electronically, such as on computer tapes or disks, shall be made available for public inspection and/or copying, except that such access may be denied as to records or portions thereof which:

1. are rendered confidential or privileged, or are exempted from disclosure by federal or state law or regulations or rules or decisions of court;
2. if disclosed, would constitute an unwarranted invasion of personal privacy of an individual or individuals (including personnel, medical or disciplinary records and any lists of names and addresses to be used for profit or financial gain);
3. if disclosed, would impair present or future awards or negotiations, including collective bargaining or negotiations of leases, permits, contracts or other agreements;
4. are trade secrets or are maintained for the regulation or supervision of commercial enterprise which, if disclosed, would cause injury to the competitive position of the enterprise;
5. are compiled for public safety, law enforcement or official investigatory (internal or external) purposes, when their disclosure may affect public safety, interfere with investigations, audits, law enforcement investigations, or judicial or disciplinary proceedings, or deny or prejudice a right to a fair trial or impartial adjudication, or identify a confidential source or disclose confidential information relating to an audit or a civil, criminal, or internal or external disciplinary investigation;
6. if disclosed, could endanger the life or safety of any person or jeopardize the safety and/or security of any facility or information technology system;
7. are inter-agency or intra-agency records other than statistical or factual tabulations of data, provided that instructions to staff that affect the public or final agency policy or determinations may not be exempted; or
8. are examination questions or answers which are requested prior to final administration of such questions;

and it is further

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**RESOLVED**, that the Secretary of the Port Authority shall maintain a reasonably detailed current list, by subject matter, of all records in the possession of the Port Authority (and its subsidiary corporations), whether or not available hereunder; and shall, under the direction of the Executive Director, administer this policy pursuant to the following procedures:

#### **Procedures**

##### **A. Requests**

Requests for inspection or copying of public records of the Port Authority may be made to the Secretary of the Port Authority (or the Secretary's designee), and must contain sufficient information to identify the particular record sought. Such requests may be made:

1. in person, during regular business hours at the Port Authority's main office;
2. by postal or private delivery, addressed to the Secretary, The Port Authority of New York and New Jersey, at the Port Authority's main office, Attention: FOI Administrator;
3. by facsimile, addressed to the Secretary, The Port Authority of New York and New Jersey, at the Port Authority's main office, Attention: FOI Administrator, at the telephone extension designated for this purpose; or
4. by electronic means, such as e-mail addressed to the Secretary, The Port Authority of New York and New Jersey, at the Port Authority's main office, Attention: FOI Administrator, at the e-mail address designated for this purpose, or through the Port Authority's Internet site.

##### **B. Determination of Availability**

The Secretary of the Port Authority, or the Secretary's designee, shall respond to each request within five (5) business days of the receipt thereof by:

1. granting access to records requested in whole or in part,
2. denying access to records requested in whole or in part and providing reason(s) for denial, or
3. acknowledging the receipt of the request and providing a statement of the approximate date, within twenty (20) business days from the initial response, when the request will be granted or denied.

If the request is granted, the person making the request shall also be notified of the time and place when the records requested are to be made available for

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(Board – 11/20/08)

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inspection and copying. Records may be inspected only under the supervision of such officers or employees of the Port Authority as may be designated by the Secretary, at the Port Authority's main office, during regular business hours, or at such other times or places as are deemed convenient by the Secretary.

If the request is denied, the person making the request shall be provided with the reason(s) for denial.

C. Appeals

Any person who is denied access to a record of the Port Authority (or its subsidiary corporations) or who is denied copies of such a record may, within thirty (30) business days from such denial, file an appeal, in writing with the Port Authority's General Counsel. Such written appeal shall be accompanied by a memorandum in support thereof, setting forth the reasons why the requester is entitled, under the Freedom of Information – Policy and Procedures, to access to or copies of the record requested.

General Counsel (or General Counsel's designee) shall decide such appeals in writing, within seven (7) business days of the receipt of such an appeal by General Counsel.

D. Fees

When a requester seeks copies of records rather than access to them, such records will be copied by the Port Authority, if practical, for a fee of no less than twenty-five cents (25¢) for each page, and no less than five dollars (\$5.00) for records provided in compact disk (or other comparable) format. Where practical, and upon request, the Port Authority may provide responses in electronic format. The Secretary of the Port Authority may, from time to time, establish appropriate fees for copies provided in other formats.

If it is not practical for the Port Authority to copy requested records, they will be reproduced commercially, and the person requesting the copy will be charged for the full cost of such commercial reproduction.

A fee of no less than two dollars (\$2.00) will be charged for certification by the Secretary of the Port Authority as to the authenticity of any document, or that a record of which the Port Authority would be the custodian cannot be found.

In the event a search for records requested will require more than one "person hour," or in the event a search of computer records will require programming that would take more than one "person hour," the person requesting the records will be advised of the anticipated cost in advance, which cost will be charged based on the labor cost of personnel assigned to such search or programming, as determined for such search by the Secretary of the Port Authority.



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E. Payment of Fees

All fees and costs shall be paid in cash, or by certified check, money order or cashier's check, or by any other means deemed reasonable by the Secretary of the Port Authority. Checks or money orders are to be made payable to "The Port Authority of New York and New Jersey." Payment must be received in advance of the search or at the time of the delivery for inspection or copying of any records or the Secretary's certification;

and it is further

**RESOLVED**, that the Executive Director, the Secretary of the Port Authority, and General Counsel be and each hereby is authorized, for and on behalf of the Port Authority, to take such actions with respect to the public inspection and copying of available records of the Port Authority (and its subsidiary corporations), consistent with this policy, as may be necessary or appropriate in the best interest of the Port Authority or of the public.





Leonardo Gianella <leonardogianella@gmail.com>

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## Certified by Secretary of the Port Authority

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Leonardo Gianella <leonardogianella@gmail.com>

Thu, Apr 21, 2011 at 4:16 PM

To: svanduyne@panynj.gov

-Sheree Van Duyne

Attention: Mr. Duffy

Regarding Reference # 12210 and #12211(copy of Executed Lease for 1st tenant at 1WTC)

The above mentioned requests are regarding the first tenant and 1WTC. I would like to have this copy of the executed lease "certified by the Secretary of the Port Authority" as mentioned under the "Procedures" section of the "Freedom of Information -Policy and Procedure" which came attached in your initial acknowledgment letter.

I appreciate the call yesterday and understood from our conversation that this Friday you would have the necessary documents ready. I only make this request in advance because I am not sure if you are going to satisfy my foil request by mailing and billing me the documents(preferred) or if you are going to ask me to come to the office as some agencies do.

Regards,

Leonardo Gianella  
1(917)279-2935

857 Ninth Ave #2B  
New York NY 10019

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Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

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## Foil Update

1 message

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Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

Wed, Apr 27, 2011 at 3:06 PM

To: [svanduyne@panynj.gov](mailto:svanduyne@panynj.gov)

To whom it may concern

I was told last Wednesday that these requests would be ready by the 22nd. When do you think these requests will be available?

Ref # 12211 -Copies of 2008,2009, and 2010 lease agreements for the 64th Floor of 1WTC

Ref # 12210 -Copies of 2008,2009, and 2010 lease agreements for the 65-69Floor of 1WTC

Ref # 12213 -2006 Lease agreements for the 33rd floor of 7WTC

Ref # 12220 -Copies of Executed leases or asset/s sold to Vantone US LLC or Vantone US Inc.

Regards,

Leonardo Gianella

1(917)279-2935

857 Ninth Ave #2B

New York NY 10019

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Leonardo Gianella <leonardogianella@gmail.com>

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## Fwd: Foil request ref# 12211, 12210, 12213, 12220.

1 message

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Leonardo Gianella <leonardogianella@gmail.com>

Fri, Apr 29, 2011 at 11:25 AM

To: [svanduyne@panynj.gov](mailto:svanduyne@panynj.gov)

Any idea when the requested information will be made available to me? I have received no communication from your office since a Mr. Duffy told me that these documents would be made available to me on the 22nd. Please clarify.

----- Forwarded message -----

From: **Leonardo Gianella** <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

Date: Wed, Apr 27, 2011 at 3:06 PM

Subject: Foil Update

To: [svanduyne@panynj.gov](mailto:svanduyne@panynj.gov)

To whom it may concern

I was told last Wednesday that these requests would be ready by the 22nd. When do you think these requests will be available?

Ref # 12211 -Copies of 2008,2009, and 2010 lease agreements for the 64th Floor of 1WTC

Ref # 12210 -Copies of 2008,2009, and 2010 lease agreements for the 65-69Floor of 1WTC

Ref # 12213 -2006 Lease agreements for the 33rd floor of 7WTC

Ref # 12220 -Copies of Executed leases or asset/s sold to Vantone US LLC or Vantone US Inc.

Regards,

Leonardo Gianella

[1\(917\)279-2935](tel:1(917)279-2935)

857 Ninth Ave #2B

New York NY 10019

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Leonardo Gianella &lt;leonardogianella@gmail.com&gt;

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## Freedom of Information Requests

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Duffy, Daniel &lt;dduffy@panynj.gov&gt;

Mon, May 2, 2011 at 9:57 AM

To: leonardogianella@gmail.com

Mr. Gianella:

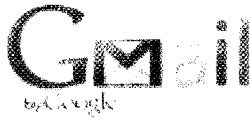
The materials responsive to your requests have been received by my office and are under review. I anticipate sending out a response to you by May 11<sup>th</sup>.

Very truly yours,

**Daniel D. Duffy**  
**Freedom of Information Administrator**  
**Office of the Secretary**  
**The Port Authority of New York and New Jersey**  
**225 Park Avenue South, 17th Floor**  
**New York, NY 10003**  
**(212) 435-2542**  
**(212) 435-7555 (fax)**

NOTICE: THIS E-MAIL AND ANY ATTACHMENTS CONTAIN INFORMATION FROM THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND AFFILIATES. IF YOU BELIEVE YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY, PERMANENTLY DELETE THIS E-MAIL (ALONG WITH ANY ATTACHMENTS), AND DESTROY ANY PRINTOUTS.

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Leonardo Gianella <leonardogianella@gmail.com>

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## Freedom of Information Requests

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Leonardo Gianella <leonardogianella@gmail.com>

Mon, May 9, 2011 at 5:58 PM

To: "Duffy, Daniel" <dduffy@panynj.gov>

-Daniel Duffy

Re:Ref#12210,Ref#12211 certified copies of the most recent executed lease agreements between Beijing Vantone Industrial Co. and Port Authority regarding floors 64-69

Good afternoon. I am just following up on my request. Please let me know if you anticipate any delay past the 11th.

Much Appreciated,

Leonardo Gianella  
1(917)279-2935  
857 Ninth Ave #2B  
New York NY 10019

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Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

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## Freedom of Information Requests

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Duffy, Daniel <[dduffy@panynj.gov](mailto:dduffy@panynj.gov)>

Wed, May 11, 2011 at 5:44 PM

To: Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

Mr. Gianella:

We are still reviewing the responsive records and hope to have the review completed by next week.  
I will keep you apprised.

Daniel D. Duffy  
Freedom of Information Administrator  
Office of the Secretary  
The Port Authority of New York and New Jersey  
225 Park Avenue South, 17th Floor  
New York, NY 10003  
(212) 435-2542  
(212) 435-7555 (fax)

**From:** Leonardo Gianella [<mailto:leonardogianella@gmail.com>]

**Sent:** Monday, May 09, 2011 5:59 PM

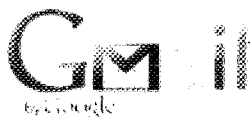
**To:** Duffy, Daniel

**Subject:** Re: Freedom of Information Requests

[Quoted text hidden]

[Quoted text hidden]

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Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

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## Freedom of Information Requests

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Duffy, Daniel <[dduffy@panynj.gov](mailto:dduffy@panynj.gov)>

Wed, May 11, 2011 at 5:44 PM

To: Leonardo Gianella <[leonardogianella@gmail.com](mailto:leonardogianella@gmail.com)>

Mr. Gianella:

We are still reviewing the responsive records and hope to have the review completed by next week. I will keep you apprised.

Daniel D. Duffy  
Freedom of Information Administrator  
Office of the Secretary  
The Port Authority of New York and New Jersey  
225 Park Avenue South, 17th Floor  
New York, NY 10003  
(212) 435-2542  
(212) 435-7555 (fax)

**From:** Leonardo Gianella [<mailto:leonardogianella@gmail.com>]

**Sent:** Monday, May 09, 2011 5:59 PM

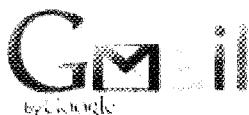
**To:** Duffy, Daniel

**Subject:** Re: Freedom of Information Requests

[Quoted text hidden]

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Leonardo Gianella &lt;leonardogianella@gmail.com&gt;

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## Freedom of Information Requests

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Leonardo Gianella &lt;leonardogianella@gmail.com&gt;

Thu, May 19, 2011 at 12:19 PM

To: "Duffy, Daniel" &lt;dduffy@panynj.gov&gt;, svanduyne@panynj.gov

To: Whom it may concern

Re: Ref#12210, Ref#12211 certified copies of the most recent executed lease agreements between Beijing Vantone Industrial Co. and Port Authority regarding floors 64-69

This request has not been fulfilled within the legally mandated time as outlined by the Freedom of Information Act/Law. When will this request be honored?

-Leonardo Gianella

1(917)279-2935

857 Ninth Ave #2B

New York NY 10019

On Mon, May 2, 2011 at 9:57 AM, Duffy, Daniel <dduffy@panynj.gov> wrote:

[Quoted text hidden]